

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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AUG 10 2004

In the Matter of )

Federal Communications Commission  
 Office of Secretary

Amendment of Sections 73.622(b), )

Table of Allotments, )

Digital Television Broadcast Stations )

Television Broadcast Stations )

(Ithaca, New York) )

RM-\_\_\_\_\_

To: The Secretary, for forwarding to Chief, Video Division, Media Bureau

**PETITION FOR RULEMAKING**

1. EBC Buffalo, Inc. ("EBC"), pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Table of Allotments for digital television broadcast stations be amended to allot Channel 46 at Ithaca, New York, as a replacement for out-of-core analog Channel 52, which is currently allotted to Ithaca and assigned to Station WNYI(TV), Facility ID 34329. As discussed *infra*, this petition is not barred by the freeze imposed in DA-02-2446, released August 3, 2004. The proposal is as follows:

## Section 73.622(b), Digital Table of Allotments:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Ithaca, NY	--	46

## Section 73.606(b), Analog Table of Allotments

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Ithaca, NY	52	--

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2. EBC further proposes that it be authorized to file an application for a construction permit to modify the licensed facilities of WNYI<sup>1</sup> to specify operation on digital Channel 46. EBC became the licensee of WNYI effective August 6, 2004.<sup>2</sup>

3. WNYI's currently authorized Channel 52 is "out-of-core," *i.e.*, it is not within the Channel 2-51 band that will remain allotted to television broadcasting after the end of the digital transition. WNYI will thus eventually be required to vacate Channel 52.<sup>3</sup> EBC wishes to prepare for that eventuality now by securing a digital allotment. It is also prepared to convert WNYI to digital operation prior to the end of the transition.

4. EBC has been unable to identify an in-core analog channel that is available for WNYI. However, it has identified Channel 46 as an in-core digital channel that can be allotted consistent with the requirements specified in Section 73.623(c) of the Commission's Rules for new DTV allotments. Accordingly, this petition thus proposes to substitute digital Channel 46 for analog Channel 52. The proposal is for a single-channel substitution, not a second channel for WNYI. Thus the existing analog license for WNYI may be modified to specify operation on digital

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<sup>1</sup> File No. BLCT-20021209AAA.

<sup>2</sup> Assignment of the WNYI station license from Ithaca 52, Inc. to EBC was approved under File No. BALCT-20040408ABN, granted June 25, 2004. The Commission was notified of consummation on August 9, 2004, by separate letter.

<sup>3</sup> In the DTV *Sixth Memorandum Opinion and Order* in MM Docket No. 87-268, the Commission determined that after the transition DTV service would be limited to a "core spectrum" consisting of current television Channels 2 through 51. *See Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418 (1998). The Commission will ultimately relocate all television operations to the core spectrum, and it has reallocated the 698-806 MHz (Channels 52-69) band to other services. *See Reallocation of Television Channels 60-69, the 746-806 MHz Band*, 12 FCC Rcd 22953 (1998); *In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Rcd 1022 (2002).

Channel 46 (subject to approval of an application for construction permit for modified facilities), without entertaining competing applications.

5. Attached is an Engineering Statement in support of this petition which demonstrates that:

a. Digital Channel 46 may be allotted to Ithaca, NY, in conformance with the Commission's interference requirements in Section 73.623(c) of the Rules.

b. The proposed reference parameters are 50 kW ERP and 371 meters HAAT.

c. The proposed reference coordinates are 42° 52' 50" north latitude, 76° 11' 46" west longitude.

d. Operating at the location and with the parameters proposed above, WNYI will place the requisite principal city grade 48 dBu signal over the community of license, Ithaca, New York.

6. It should be noted that WNYI is an operating, licensed station and not a pending application for a new station. Thus this proposal is not subject to the time deadline imposed by the Commission for filing proposals to move out-of-core pending applications for new stations to in-core channels.<sup>4</sup>

7. This proposal is not barred by the freeze imposed by public notice DA 04-2446, released August 3, 2004. It does not fall within any of the categories specified in the freeze, as it does not proposed a change in an existing DTV allotment, a new DTV allotment open to new applicants, a swap between in-core NTSC and DTV channels, or an exchange of channels between licensees. It involves one-for-one substitution of an in-core DTV channel for an out-of-core NTSC

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<sup>4</sup> See DA 99-2605, released Nov. 22, 1999.

channel. This is a change that WNYI must make whether it wants to or not, because the station's *only* current channel is an unpaired out-of-core analog channel that is going to disappear at the end of the transition. Indeed, one of the purposes of the freeze is to prevent changes by in-core stations that will prevent out-of-core stations like WNYI from finding an in-core permanent home.

While some out-of-core stations may have to wait for stations with paired channels to relinquish one of their channels, WNYI has found an in-core channel to which it can move without waiting for DTV channel elections by other stations. Granting this petition will expedite the transition for WNYI, and WNYI is one of the stations that the freeze is intended to benefit.<sup>5</sup>

8. In light of the foregoing, it is respectfully requested that Section 73.622(b) of the Rules be amended to add the allotment of digital Channel 46 at Ithaca, New York, that Section 73.606(b) be amended to delete analog Channel 52 at Ithaca, and that the license for WNYI be modified to specify operation on digital Channel 46 subject to the filing and grant of an appropriate application for construction permit for modification of facilities.

Respectfully submitted,



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Michelle A. McClure

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August 10, 2004

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<sup>5</sup> If the Commission does not agree that this proposal is not subject to the freeze, then a waiver of the freeze is hereby requested, based on the fact that WNYI is required to move in-core and is one of the stations whose move into the core the freeze is intended to facilitate.

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of the licensee of Television Station WNYI(TV), Ithaca, New York, in support of its Petition for Rulemaking to substitute digital television (DTV) Channel 46 for its analog Channel 52 allotment.

WNYI presently has no paired DTV allotment and its analog channel is outside the FCC's delineated "core spectrum" (Channels 2 through 51). However, a detailed channel search and interference study reveals that DTV Channel 46 can be allotted to Ithaca from a certain site and with specific operating parameters.

The proposed site, at 42° 52' 50", 76° 11' 46" W, is a tower within an existing communications antenna farm. The ASR number of the tower is 1005405. For the purposes of our interference studies, we assumed that an Andrew AL8OC-46-PM directional antenna would be side-mounted at the 239-meter level of the existing 245-meter tower. The proposed radiation center above mean sea level is 727 meters, and the main-lobe ERP is 50 kw. Proposed operating parameters are listed in Exhibit B, and Exhibit C provides the antenna radiation pattern data for the proposed antenna.

The predicted service contours are plotted in Exhibit D. As shown, the community of Ithaca is entirely contained within the requisite 48 dbμ contour.

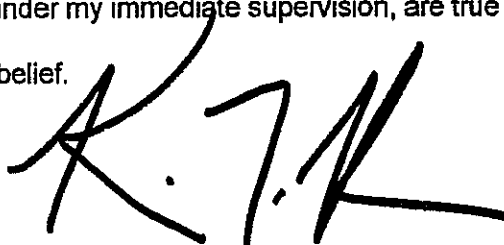
Exhibit E is an interference study, which concludes that the proposed facility meets the requirements of §73.623(c)(2) of the Rules with respect to NTSC, DTV, and Class A LPTV facilities.

Therefore, it is respectfully requested that the FCC change the channel allotted to WNYI by adding DTV Channel 46 in Ithaca, New York, to its Digital Television Table of Allotments in §73.622(b) of the Rules as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Ithaca, New York		46

In addition, we request that the Commission delete analog Channel 52 from its Table of [NTSC] allotments in §73.606(b) of its Rules.

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A large, stylized handwritten signature in black ink, appearing to read 'K. T. Fisher'.

KEVIN T. FISHER

May 11, 2004

PROPOSED OPERATING PARAMETERS

PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 - ITHACA, NEW YORK

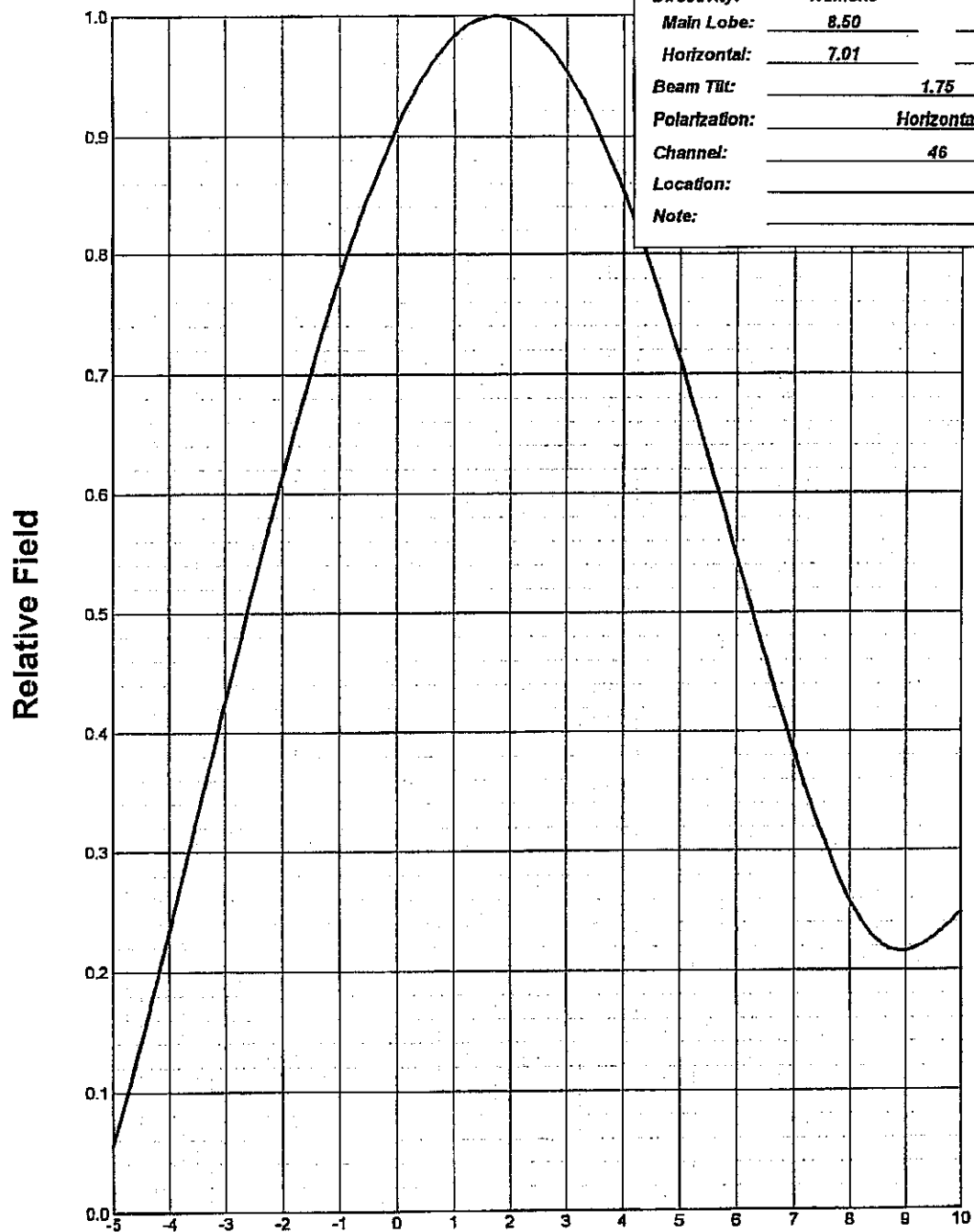
Channel Number:	46
Zone:	1
Site Coordinates:	42-52-50 N 76-11-46 W
Antenna Structure Registration Number:	1005405
Tower Site Elevation (AMSL):	487.7 meters
Overall Tower Height Above Ground:	245.4 meters
Overall Tower Height Above (AMSL):	733.1 meters
Radiation Center Height Above Ground:	239 meters
Radiation Center Height (AMSL):	356 meters
Average Terrain Elevation (2-10 miles):	356 meters
Antenna Height Above Average Terrain:	371 meters
Antenna Make and Model:	Andrew AL80C-46-PM
Orientation:	Directional at 0° T
Electrical Beam Tilt:	1.75°
Polarization:	Horizontal
Effective Radiated Power (main-lobe, maximum):	50 kw



**ANDREW.**

**ELEVATION PATTERN**

Type:	AL8	
Directivity:	Numeric	dBd
Main Lobe:	8.50	9.29
Horizontal:	7.01	8.46
Beam Tilt:	1.75	
Polarization:	Horizontal	
Channel:	46	
Location:		
Note:		



**ANDREW.**

ANDREW CORPORATION  
10500 W. 153rd Street  
Orland Park, Illinois U.S.A 60462

**EXHIBIT C-1**

**ANTENNA ELEVATION PATTERN**

**PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 - ITHACA, NEW YORK**

SMITH AND FISHER



**EXHIBIT C-2**

**ANTENNA AZIMUTH PATTERN**

**PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 - ITHACA, NEW YORK**

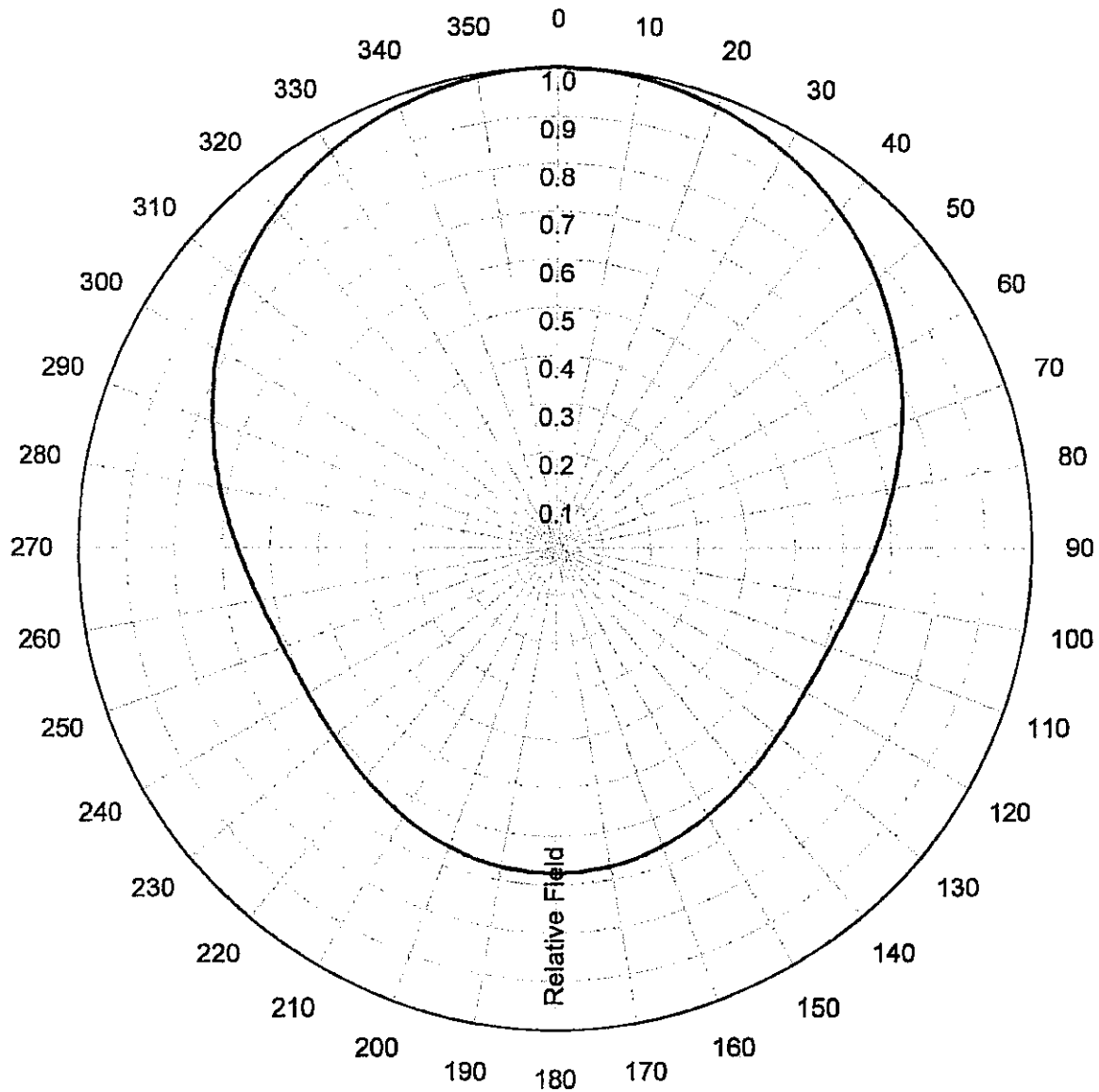
**SMITH AND FISHER**



**ANDREW.**

**AZIMUTH PATTERN**

Type:	ALP-OC	
	Numeric	dBd
Directivity:	1.70	2.30
Peak(s) at:		
Polarization:	Horizontal	
Channel:	46	
Location:		
Note:		

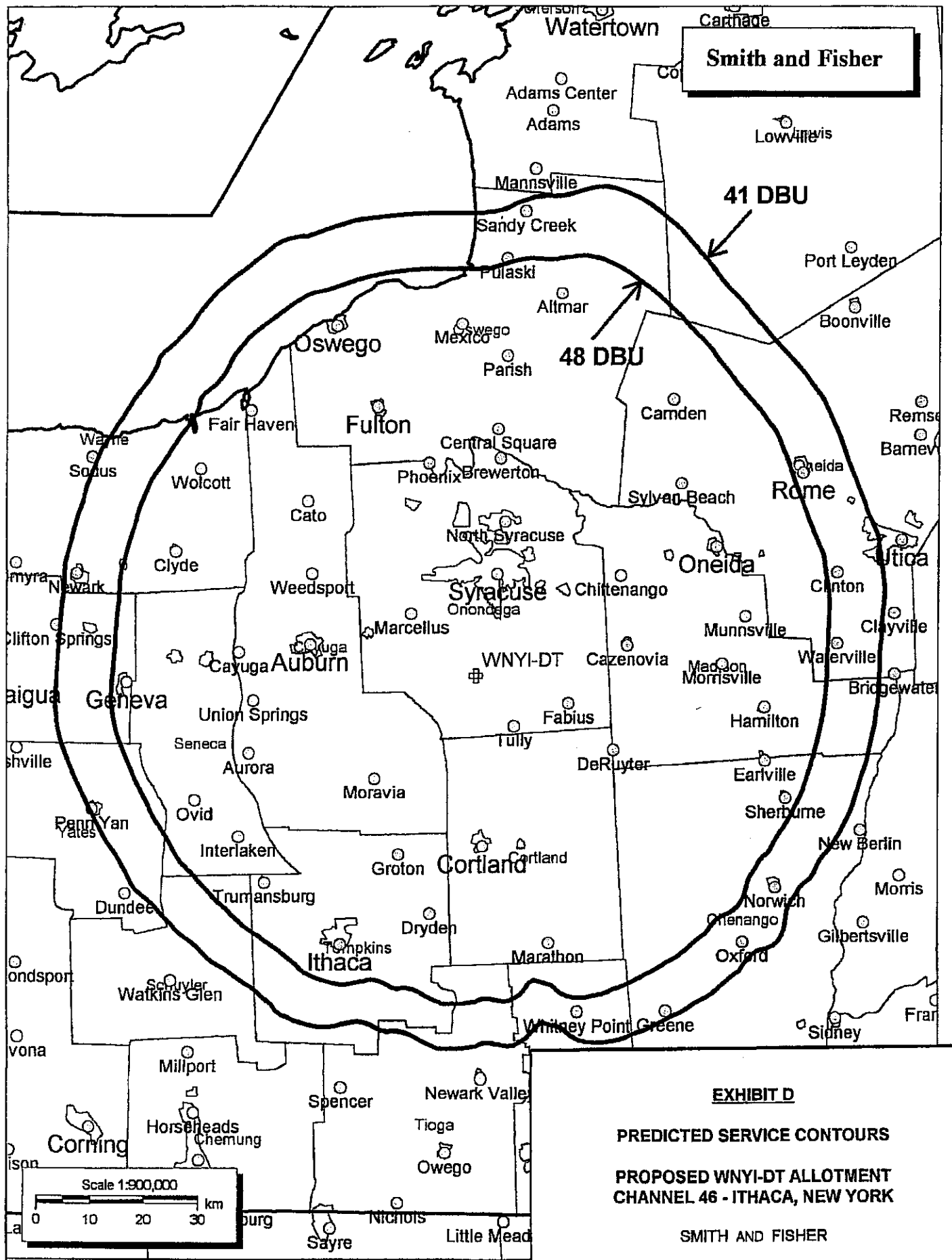


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**EXHIBIT C-3****RELATIVE FIELD VALUES****PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 - ITHACA, NEW YORK****SMITH AND FISHER****ANDREW.  
AZIMUTH PATTERN  
FCC FILING FORMAT**Type: ALP-OCPolarization: Horizontal

<i>Angle</i>	<i>Field</i>	<i>ERP (kW)</i>	<i>ERP (dBk)</i>
0	1.000	50.002	16.990
10	0.994	49.403	16.938
20	0.978	47.826	16.797
30	0.951	45.221	16.553
40	0.915	41.863	16.218
50	0.871	37.933	15.790
60	0.820	33.621	15.266
70	0.767	29.415	14.686
80	0.715	25.562	14.076
90	0.668	22.312	13.485
100	0.631	19.909	12.990
110	0.609	18.545	12.682
120	0.602	18.121	12.582
130	0.608	18.484	12.668
140	0.623	19.407	12.880
150	0.642	20.609	13.141
160	0.659	21.715	13.368
170	0.672	22.580	13.537
180	0.676	22.849	13.589
190	0.672	22.580	13.537
200	0.659	21.715	13.368
210	0.642	20.609	13.141
220	0.623	19.407	12.880
230	0.608	18.484	12.668
240	0.602	18.121	12.582
250	0.609	18.545	12.682
260	0.631	19.909	12.990
270	0.668	22.312	13.485
280	0.715	25.562	14.076
290	0.767	29.415	14.686
300	0.820	33.621	15.266
310	0.871	37.933	15.790
320	0.915	41.863	16.218
330	0.951	45.221	16.553
340	0.978	47.826	16.797
350	0.994	49.403	16.938

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INTERFERENCE STUDY

PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 – ITHACA, NEW YORK

An interference study was conducted using the operating parameters of the facility described herein to determine if it meets the FCC's *de minimis* interference requirements of Section 73.623(c)(2) of the Commission's Rules. Specifically, the proposed facility may not cause more than two percent interference to the service population of a DTV or NTSC facility, nor can its interference contribution result in an excess of 10 percent total DTV interference to the service population of any DTV or NTSC facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 db $\mu$  or greater and lies within the predicted 41 db $\mu$  contour of the station using the F(50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each radial.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe II" computer program, which has been found generally to mimic the FCC's program. Changes in interference caused by the proposed allotment facility to other pertinent stations are tabulated in Exhibit E-2.

As indicated, the proposed allotment would not contribute more than two percent DTV interference to the service population of any potentially affected NTSC or DTV station. In addition, this proposal does not result in any NTSC or DTV station receiving more than ten percent total DTV interference to viewers living within the station's authorized or proposed service area.

EXHIBIT E-1

Therefore, this proposal meets the FCC's *de minimis* interference standards as defined in Section 73.623(c)(3) of the Commission's Rules.

It is also important to note that, using the same Longley-Rice methodology described above, we have determined that the proposed DTV allotment facility does not cause interference to any authorized Class A LPTV station, including WLOT-CA, Channel 46 in Watertown, New York.

EXHIBIT E-2

## INTERFERENCE STUDY SUMMARY

PROPOSED WNYI-DT ALLOTMENT  
CHANNEL 46 – ITHACA, NEW YORK

<u>Call Sign</u>	<u>City, State</u>	<u>CH.</u>	<u>Coverage Population</u>	<u>Interference Population From WNYI-DT</u>	<u>%</u>	<u>Total DTV Interference</u>	<u>%</u>
WROC-DT (CP)	Rochester, NY	45	1,122,537	410	<0.1	1,335	0.1
WNGS-DT (Appl.)	Springville, NY	46	1,389,681	1,193	<0.1	38,458	2.8
WLOT-CA (CP)	Watertown, NY	46	45,018	0	0	—	—
WSKG-TV* (Lic.)	Binghamton, NY	46	481,622	8,169	1.7	8,211	1.7
WSKG-TV* (CP)	Binghamton, NY	46	489,491	8,183	1.7	8,225	1.7
WROC-DT (Allot.)	Rochester, NY	45	1,169,189	345	<0.1	1,583	0.1
WNGS-DT (Allot.)	Springville, NY	46	935,188	1,176	0.1	14,543	1.6
WTVH-DT (Allot.)	Syracuse, NY	47	1,385,148	152	<0.1	152	<0.1

\*Study utilized 1-kilometer cell size and 0.1 kilometer increment spacing.